

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

UNITED STATES OF AMERICA,	)	No. 3:05CR381
	)	
Plaintiff	)	
	)	
v.	)	ORDER
	)	
JOSEPH P. HEADEN, JR.,	)	
	)	
Defendant	)	

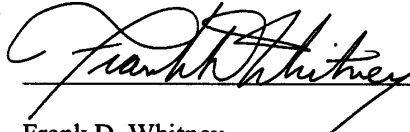
Defendant JOSEPH P. HEADEN, JR., moves this Court for release pending sentencing (Doc. No. 31).

In United States v. Moffitt, 3:06-cr-000666-W (W.D.N.C. Nov. 7, 2006), this Court previously addressed the two primary issues raised by Defendant in his motion. In Moffitt, this Court held that (1) 18 U.S.C. § 922(g) is a “crime of violence” under the Bail Reform Act of 1984, and (2) when a United States Magistrate Judge conducts a plea hearing and accepts the defendant’s plea of guilty, the Magistrate Judge’s acceptance of the plea is the binding and determinative moment of the acceptance of the plea – that is, the instant the defendant is “found guilty” for purposes of the Bail Reform Act – not the later review of the plea by a United States District Judge at sentencing.

As to Defendant’s other issues (that is, the health of Defendant’s mother and whether Defendant is a flight risk or a danger to the community), the Bail Reform Act mandates that the defendant be detained pending sentencing regardless of the merits of those issues.

THEREFORE Defendant's Motion for Review of the Detention Order is DENIED.

Signed: July 3, 2007

  
Frank D. Whitney  
United States District Judge

